

REMARKS/ARGUMENTS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

I. Status of the Claims

Claims 3-18 are withdrawn.

Claims 1 and 2 have been amended. Claim 2 has been amended to delete an extraneous parenthesis. Applicant notes that the objection due to an informality is now addressed. Applicant thanks the Examiner for noting the discrepancy.

Claim 19 has been added.

No new matter has been added by way of amendment or addition.

Claims 1-19 are currently pending.

II. Election of Species

The Examiner's indication that claim 1 is generic and that if claim 1 is allowable all claims which depend therefrom may be rejoined is noted with appreciation.

III. Information Disclosure Statement

Applicant appreciatively acknowledges the Examiner's indication that the information disclosure statement (IDS) submitted on August 5, 2008 has been added to the record.

IV. Rejection under 35 U.S.C. § 102(b)

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Diaz (U.S. Pat. No. 5,139,163). Applicant respectfully traverses the rejection. It is respectfully submitted that Diaz does not anticipate the presently claimed invention.

Independent claim 1 has been amended to recite that the “entire top face of said container for canned drinks is covered in a water-tight manner by said seal face by attaching said outer-perimeter part below a seam part of said container thereby removably and replaceably self-sealing said cap to said container for canned drinks.”

The Examiner contends that Diaz discloses a cap that comprises a seal face and outer-perimeter parts made as a film to expand and contract, thereby permitting the cap to attach itself to the container. However, Diaz teaches an attaching means which involves an additional step of application of heat or positioning of an adhesive between the cover and the container. *See* col. 6, lines 19-21; col. 6, lines 26-28. Diaz does not teach or suggest a cap that is self-sealing to the container.

Moreover, according to the Examiner, Diaz discloses a cap that covers the top face of the container by attaching below a seam of the container. However, Diaz teaches a completely different gripping means by allowing a snap fit between the lid (element 22) and cover body (element 20), which are both elements of the Diaz cover. *See* Figure 1; col. 6, lines 13-18. Diaz fails to teach or suggest a cap that engages the container itself to self-seal or reseal.

Thus, Diaz does not teach the elements of claim 1 of “a cap comprising a seal face part made as a film to expand and contract . . . wherein an entire top face of a container is covered by said seal

face by attaching an outer-perimeter part, below a seam part of said container thereby removably and replaceably self-sealing said cap to said container.”

Based on the above, Applicant submits that claim 1 as amended is not anticipated by Diaz and respectfully requests that the rejection be withdrawn.

V. Rejection under 35 U.S.C. § 103(a)

Claim 2 is rejected as being obvious over Diaz as applied to claim 1 above, in view of Deline (U.S. Pat. No. 4,708,257). Applicant respectfully traverses the rejection.

Claim 2 is dependent on claim 1 and describes a cap that is self-sealing to a container. Neither Deline, Diaz, nor common knowledge in the art at the time of the present invention discloses a cap that is self-sealing to the container. Deline teaches a sealing means that requires an additional step such as using an adhesive. *See* col. 2, lines 9-16. As discussed above, Diaz also teaches a sealing means requiring an additional step.

Additionally, claim 1 teaches that the cap self-seals to the container and, consequently, may reseal itself to a container. Again, neither Deline, Diaz, nor common knowledge in the art at the time of the present invention discloses a cap that is able to reseal itself to a container. Diaz, as discussed above, only teaches a resealing method that does not engage the container. Deline describes a seal that does not even include resealing properties; the sealing structure alters upon removal and cannot reseal the container. *See* col. 2, lines 61-68, col. 3, lines 1-3.

Therefore, Diaz alone, or in combination with Deline, or with any art of record, does not suggest the features of claims 1 or 2. At least for these reasons, and since claim 2 depends directly

from claim 1, Diaz in view of Deline, does not render claim 2 obvious. Applicant respectfully requests that the rejection be withdrawn.

VI. New Claim

New claim 19 recites the elements of “said outer-perimeter part [that] self-seals to said container by elastically engaging below the seam part of said container.” Claim 19 is different from the prior art of record in that it recites an outer-perimeter part that self-seals to the container by **elastically** engaging the container.

Claim 19 also depends from claim 1 which is allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes the pending application is in condition for allowance. If the Examiner believes that any remaining issues can be resolved by a Supplemental or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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